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10 Attorneys for Defendant
11 SYMANTEC CORPORATION

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 DIGITAL REG OF TEXAS, LLC,

17 Plaintiff,

18 v.

19 ADOBE SYSTEMS INCORPORATED,
20 VALVE CORPORATION, ELECTRONIC
ARTS, INC., UBISOFT ENTERTAINMENT,
21 INC., SYMANTEC CORPORATION, INTUIT
INC., AVG TECHNOLOGIES USA, INC.,
22 ZYNGA GAME NETWORK INC., and
ZYNGA, INC.

23 Defendants.
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) Case No.: 4:12-cv-01971-CW (KAW)

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**DECLARATION OF HOLLY
BAUDLER IN SUPPORT OF
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT
OF NONINFRINGEMENT BASED ON
DIGITAL REG'S LICENSE TO
MICROSOFT**

Honorable Claudia Wilken

8 3. Attached hereto as Exhibit B are true and correct copies of pages published on
9 Symantec's web site showing the system requirements for Norton AntiVirus, Norton Internet
10 Security, and Norton 360, which indicate that each of these products requires a Microsoft
11 operating system.

15 I declare under penalty of perjury that the foregoing is true and correct and based on my
16 personal knowledge.

18
19 By: /s/ Holly B. Baudler
Holly B. Baudler

Exhibit A

6,751,670: SYMANTEC SOFTWARE ACTIVATION













6.751.670 “Tracking Electronic Content”

Plaintiff accuses the provision, use and operation of the Symantec Software Activation of directly infringing U.S. Patent No. 6,751,670 (the “’670 patent”). The term “Accused System and Method” means the Symantec Software Activation and all associated computer hardware, software and digital content.

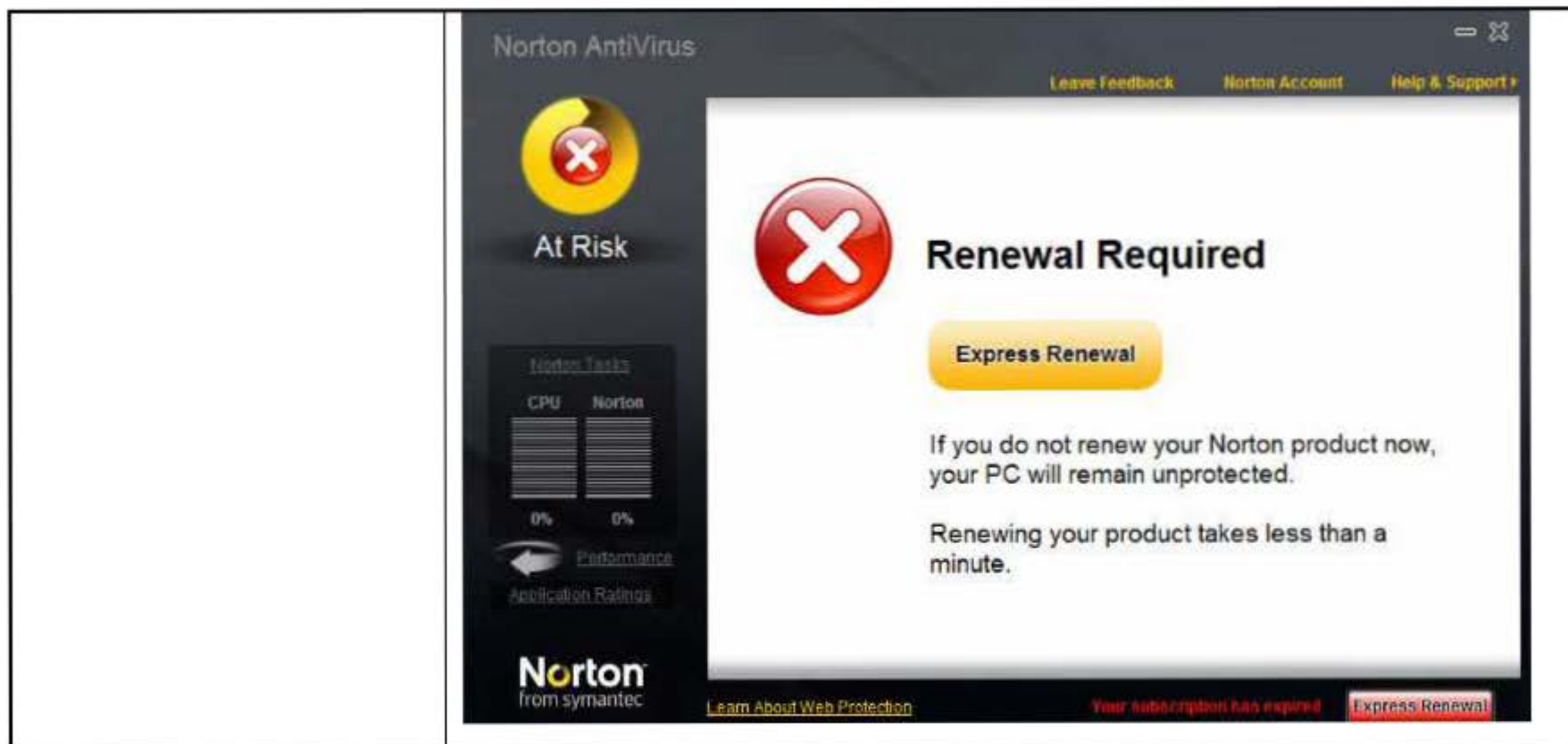
Plaintiff further accuses Symantec of indirectly infringing the ‘670 Patent through providing, authorizing and instructing regarding the Accused System and Method to others, including its customers. Installing or activating the Accused System and Method and the operation thereof directly infringe the asserted claims. Symantec intends to cause infringement by its customers and users. Symantec instructs users to use the Accused System and Method in an infringing manner. Symantec further instructs users to configure and operate the Accused System and Method in an infringing manner. Symantec also provides support services for the Accused System and Method, including providing instructions, guides, online materials and technical support.

The asserted claims include elements that are implemented, at least in part, by proprietary electronics and software in the Accused System and Method. The precise designs, data structures, processes, and algorithms used in them are held secret, at least in part, and are not publicly available in their entirety. An analysis of Symantec’s documentation and/or source code may be necessary to fully and accurately describe all infringing features and functionality of the Accused System and Method and, accordingly, Plaintiff reserves the right to supplement these contentions once such information is made available to Plaintiff. Furthermore, Plaintiff reserves the right to revise these contentions, including as discovery in the case progresses, in view of the Court’s final claim construction in this action and in connection with the provision of its expert reports.

6,751,670: SYMANTEC SOFTWARE ACTIVATION

	aw%3D%3D/sno/0								
transmitting notification information when the electronic content is accessed by a successive recipient to the address, wherein the address is an address other than that of an immediate sender of the electronic content.	<div>The Accused System and Method transmits notification information when the software content is accessed by a client, who is a successive recipient, having received the software from a distribution computer such as a file or web server, which received the software from a computer used to develop, stage, and/or package it. Notification information is transmitted to a license/activation server, which is not the immediate sender of the content.</div> <div><div>Featured Products</div><table><tr><td></td><td></td><td></td><td></td></tr><tr><td>Norton 360™ Version 5.0 Comprehensive, easy-to-use protection for your computer, your identity and your files More Info \$ 79.99 1 year protection for up to 3 PCs Buy Now</td><td>Norton Internet Security 2012 (1 Year Subscription) + PC Clean Up Service (Use Within 30 Days) Advanced online protection and faster PC start-up. More Info \$ 64.99 1 year protection for up to 3 PCs Buy Now</td><td>Norton Internet Security™ 2012 Advanced protection to surf, bank and shop online without interruption More Info \$ 69.99 1 year protection for up to 3 PCs Buy Now</td><td>Norton™ AntiVirus 2012 Powerful protection against viruses and spyware that won't slow you down More Info \$ 39.99 1 year protection for 1 PC Buy Now</td></tr></table></div> <div>http://store.norton.com/</div>					Norton 360™ Version 5.0 Comprehensive, easy-to-use protection for your computer, your identity and your files More Info \$ 79.99 1 year protection for up to 3 PCs Buy Now	Norton Internet Security 2012 (1 Year Subscription) + PC Clean Up Service (Use Within 30 Days) Advanced online protection and faster PC start-up. More Info \$ 64.99 1 year protection for up to 3 PCs Buy Now	Norton Internet Security™ 2012 Advanced protection to surf, bank and shop online without interruption More Info \$ 69.99 1 year protection for up to 3 PCs Buy Now	Norton™ AntiVirus 2012 Powerful protection against viruses and spyware that won't slow you down More Info \$ 39.99 1 year protection for 1 PC Buy Now
									
Norton 360™ Version 5.0 Comprehensive, easy-to-use protection for your computer, your identity and your files More Info \$ 79.99 1 year protection for up to 3 PCs Buy Now	Norton Internet Security 2012 (1 Year Subscription) + PC Clean Up Service (Use Within 30 Days) Advanced online protection and faster PC start-up. More Info \$ 64.99 1 year protection for up to 3 PCs Buy Now	Norton Internet Security™ 2012 Advanced protection to surf, bank and shop online without interruption More Info \$ 69.99 1 year protection for up to 3 PCs Buy Now	Norton™ AntiVirus 2012 Powerful protection against viruses and spyware that won't slow you down More Info \$ 39.99 1 year protection for 1 PC Buy Now						

6,751,670: SYMANTEC SOFTWARE ACTIVATION



6,751,670: SYMANTEC SOFTWARE ACTIVATION

	<p>Activate Norton 360 Version 5.0</p> <ol style="list-style-type: none"> 1. Make sure that your computer is connected to Internet. 2. Start Norton 360. 3. At the right bottom corner of the Norton program window, click Activate Now. 4. Type in your Product Key. <ul style="list-style-type: none"> o Product Key is a unique 25-character alpha numeric key found on a yellow sticker on the back of the CD sleeve. For download purchase, you can find it in the confirmation email. o If your product came with your computer, you may not have to enter the Product Key. You can skip this step. 5. Click Next. 6. In the Norton Account Window, enter your email address and click NEXT. Your Norton 360 checks the existing Norton Accounts using the email address. 7. Depending on your situation, do one of the following: <ul style="list-style-type: none"> o If Norton 360 finds your Norton Account, enter the password and click SIGN IN. o If Norton 360 does not find any existing Norton Account, complete the form to create a new Norton Account, and then click NEXT. 8. Review your subscription details, and then click DONE. Your copy of Norton 360 is now activated. <p>https://www-secure.symantec.com/norton-support/jsp/help-solutions.jsp?docid=20100802145759EN&lg=english&ct=united+states&product=home&version=1&pvid=f-home</p>
<p>2. The method of claim 1, wherein the executable instructions further deny access until an access granting message is received in response to the successful transmission of notification information.</p>	<p>The Accused System and Method denies access to the content until an access granting message is received in response to the successful transmission of notification information.</p>

7,673,059: SYMANTEC SOFTWARE ACTIVATION

7.673.059: “Tracking Electronic Content”

Plaintiff accuses the provision, use and operation of Symantec Software Activation of directly infringing U.S. Patent No. 7,673,059 (the “’059 patent”). The term “Accused System and Method” means Symantec Software Activation and all associated computer hardware, software and digital content.

Plaintiff further accuses Symantec of indirectly infringing the ’059 Patent through providing, authorizing and instructing regarding the Accused System and Method to others, including its customers. Installing or activating the Accused System and Method and the operation thereof directly infringe the asserted claims. Symantec intends to cause infringement by its customers and users. Symantec instructs users to use the Accused System and Method in an infringing manner. Symantec further instructs users to configure and operate the Accused System and Method in an infringing manner. Symantec also provides support services for the Accused System and Method, including providing instructions, guides, online materials and technical support.

The asserted claims include elements that are implemented, at least in part, by proprietary electronics and software in the Accused System and Method. The precise designs, data structures, processes, and algorithms used in them are held secret, at least in part, and are not publicly available in their entirety. An analysis of Symantec’s documentation and/or source code may be necessary to fully and accurately describe all infringing features and functionality of the Accused System and Method and, accordingly, Plaintiff reserves the right to supplement these contentions once such information is made available to Plaintiff. Furthermore, Plaintiff reserves the right to revise these contentions, including as discovery in the case progresses, in view of the Court’s final claim construction in this action and in connection with the provision of its expert reports.

Digital Reg of Texas, LLC v. Adobe Systems Incorporated et al. (Civil Action No. 6:11-CV-305)
Digital Reg's P. R. 3-1 Disclosure of Asserted Claims and Preliminary Infringement Contentions to Symantec
Page 12

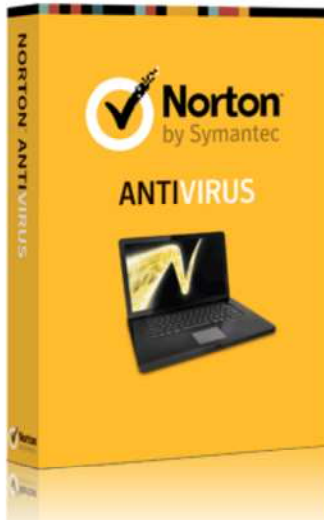
Digital Reg of Texas, LLC v. Adobe Systems Incorporated et al. (Civil Action No. 6:11-CV-305)
Digital Reg's P. R. 3-1 Disclosure of Asserted Claims and Preliminary Infringement Contentions to Symantec
Page 13

The Accused System and Method obtains user information when the computer executed instructions are executed. This information may include data that identifies a user and/or the user's machine.

Exhibit B

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Operating Systems Supported

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- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate
- Microsoft Windows 8 and Windows 8 Pro (32-bit and 64-bit)

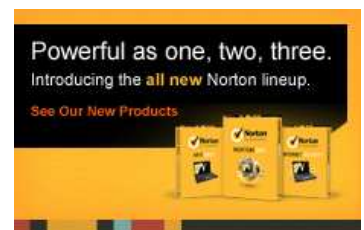
Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7/Windows 8
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}

Email scanning supported for POP3-compatible email clients

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AV-TEST Real World Protection and Remediation Testing Report , August 2012

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1 Year Protection: With this service, you receive the right to use this product on one PC or on the specified number of PCs during the service period, which begins upon initial installation and activation. This renewable service includes protection updates and new product features as available during the service period, subject to acceptance of the Norton License Agreement included with this product and available for review at www.symantec.com. Product features may be added, modified, or removed during the service period.

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Norton AntiVirus	Spyware and Virus Removal	DNSChanger
Norton One	Norton Online Family	
Norton 360 Multi-Device	Norton Safe Web	
Norton Ghost		
Norton Online Backup		
Norton Utilities		
Norton Secured Seal		



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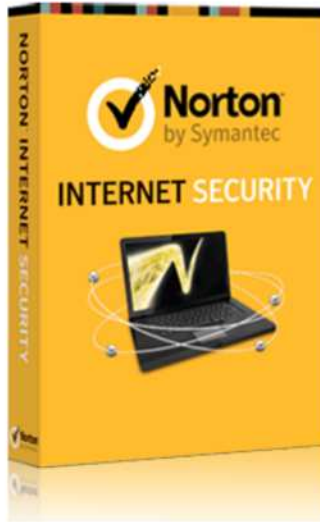


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- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate
- Microsoft Windows 8 and Windows 8 Pro (32-bit and 64-bit)

Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7/Windows 8
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Phishing Protection, Safe Search, and Password Management

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}
- Google Chrome™^{1,2}

¹As made available by Symantec within your service period.

²Supports current and the most recent previous 32-bit major releases.

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 7.0 or higher (32-bit only)¹
- Mozilla® Firefox® (32-bit only)^{1,2}

¹As made available by Symantec within your service period.

²Supports current and the most recent previous 32-bit major releases.

Support for Antispam

- Microsoft Outlook® 2002 or later

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- Microsoft Outlook Express 6.0 or later
- Windows Mail (spam filtering only)

Email scanning supported for POP3-compatible email clients

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²Internet Explorer, Firefox, and Chrome browsers only. Supports Google, Bing, Yahoo!, and Ask search engines.

1 Year Protection: With this service, you receive the right to use this product on one PC or on the specified number of PCs during the service period, which begins upon initial installation and activation. This renewable service includes protection updates and new product features as available during the service period, subject to acceptance of the Norton™ License Agreement included with this product and available for review at www.symantec.com. Product features may be added, modified, or removed during the service period.

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Norton 360 Multi-Device		Windows 8 Apps
Norton Online Backup		
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- Microsoft Windows Vista® (32-bit and 64-bit) Starter/Home Basic/Home Premium/Business/Ultimate with Service Pack 1 or later
- Microsoft Windows 7 (32-bit and 64-bit) Starter/Home Basic/Home Premium/Professional/Ultimate

Minimum Hardware Requirements

- 300 MHz for Microsoft Windows XP, 1 GHz for Microsoft Windows Vista/Microsoft Windows 7
- 256 MB of RAM
- 300 MB of available hard disk space
- CD-ROM or DVD drive (if not installing via electronic download)

Browser Support for Phishing Protection, Safe Search, and Password Management

- Microsoft Internet Explorer® 6.0 or later (32-bit only)
- Mozilla® Firefox® 3.0 and later (32-bit only)
- Google Chrome™ browser 10.0 or higher

Support for Antispam

- Microsoft Outlook® 2002 or later
- Microsoft Outlook Express 6.0 or later
- Windows Mail (spam filtering only)

Browser Support for Vulnerability Protection

- Microsoft Internet Explorer® 6.0 or later (32-bit only)
- Mozilla® Firefox® 3.0 and later (32-bit only)

Email scanning supported for POP3-compatible email clients

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Norton Utilities
VeriSign Seal

Services

NortonLive Services
Ultimate Help Desk
Spyware and Virus Removal
Norton Online Family
Norton Safe Web

Support

Norton Support
Norton Update Center



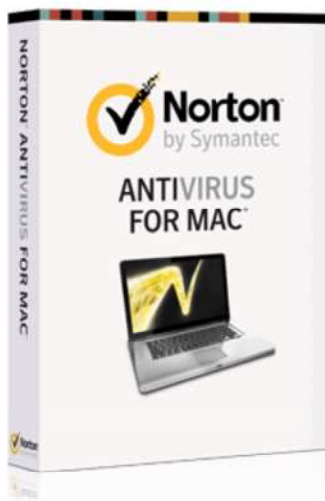
Exhibit C

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Operating Systems Supported

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Mac® OS X 10.7 and 10.8

Norton™ AntiVirus 11 for Mac®

Mac OS X 10.4.11 – 10.6.8 running on Intel® and Power-PC based Macs

Minimum Hardware Requirements

- Mac system with Intel® Core™ 2 Duo processor
- 2 GB of RAM (already required for Mac OS X 10.7 and 10.8)
- 1.5 GB of available hard disk space
- Internet connection required for LiveUpdate™ security updates
- CD-ROM or DVD drive (if not installing via electronic download)

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1 Year Protection: With Norton AntiVirus 12 for Mac (supporting Mac OS® X 10.7 and 10.8) you receive a license to use the product on the specified number of Macs during a renewable one year service period which begins upon initial installation and activation, together with protection updates and new product features as available throughout the service period. Product features may be added, modified, or removed during the service period.

With Norton AntiVirus 11 for Mac (supporting Mac OS X 10.4.11 - 10.6.8) you receive a license to use the product together with a renewable one-year subscription to receive virus protection and scanning engine updates which begins upon initial installation and activation.

Use of each product is subject to acceptance of the Norton License Agreement included with the product and available for review at www.symantec.com.

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Services

NortonLive Services
Ultimate Help Desk
Spyware and Virus Removal
Norton Safe Web

Support

Norton Support
Norton Update Center
Java Vulnerability
Windows 8 Security
Windows 8 Apps



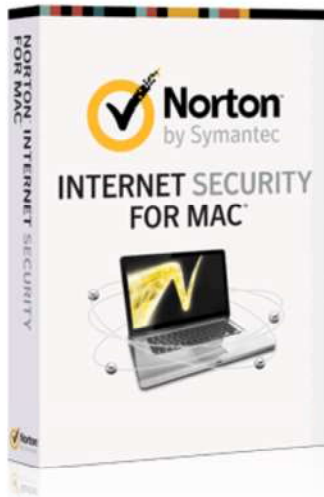
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Norton™ Internet Security 5 for Mac®

Advanced protection to surf, bank and shop online with your Mac.

- Keeps your identity safe online
- Daily updates to protect your Mac® from late-breaking threats.
- Protects against viruses, spyware, hackers and more.
- Protects your iPhoto® and iTunes® stuff from threats.

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1 year protection for 1 Mac

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[System Requirements](#)

Operating Systems Supported

Norton Internet Security 5 For Mac

- Mac OS® X 10.7 and 10.8

Browser Support

- Safari® 1, 2
- Mozilla® Firefox® 1,2

Norton Internet Security 4³ for Mac

- Mac OS X 10.4.11–10.6.8 running on Intel® and PowerPC-based Macs

Minimum Hardware Requirements

- Mac® system with Intel® Core 2 Duo processor
- 2 GB of RAM (already required for Mac OS X 10.7 and 10.8)
- 1.5 GB of available hard disk space
- Internet connection required for LiveUpdate™ security updates
- CD-ROM or DVD drive (if not installing via electronic download)

Instant Messaging Clients Supported for Confidential Data Filtering

- iChat® 5.x
- Microsoft® Messenger 7.0.1 for Mac
- Yahoo!® Instant Messenger 3.0 for Mac
- AIM® for Mac

¹As made available by Symantec within your service period.

²Supports current and the most recent previous release.

³Norton Internet Security 4 for Mac does not include Antiphishing protection.

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